

**Introduced by Senator Kuehl**

February 9, 2005

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*An act to amend Section 13823.93 of, to add Section 13519.14 to, and to add and repeal Title 6.7 (commencing with Section 13990) of Part 4 of, the Penal Code, relating to human trafficking.*

LEGISLATIVE COUNSEL'S DIGEST

SB 180, as amended, Kuehl. Human trafficking.

~~Existing law establishes the crime of involuntary servitude~~ *requires a hospital-based training center to be established to train medical personnel on how to perform medical evidentiary examinations for, and to develop guidelines for the reporting and management of, victims of child abuse or neglect, sexual assault, domestic violence, and elder abuse.*

~~This bill would state findings and declarations, and state the intent of the Legislature, relative to~~ *add victims of human trafficking to the types of victims who would be serviced by the training center. The bill would require the training center to develop a standardized curriculum on human trafficking by July 1, 2007, and to implement training on the issue by July 1, 2008, subject to available funding.*

*Existing law establishes various task forces for purposes of crime prevention and law enforcement.*

*This bill would establish the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force and require it to evaluate various programs available to victims of trafficking and various criminal statutes addressing human trafficking, and report to the Legislature, Governor, and Attorney General on or before April 1, 2007.*

*Existing law establishes the Commission on Peace Officer Standards and Training.*

*This bill would require the commission to develop a course or courses for peace officers relating to human trafficking, as specified. The bill would provide that participation in the courses by law enforcement would be voluntary.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. The Legislature finds and declares that the~~  
2     ~~trafficking of men, women, and children across borders, within~~  
3     ~~countries, and across state lines within the United States is a~~  
4     ~~serious criminal enterprise that generates significant profit for the~~  
5     ~~traffickers and severe hardship for trafficked men, women, and~~  
6     ~~children.~~

7     ~~SEC. 2. It is the intent of the Legislature to enact laws to~~  
8     ~~address the state's role in tackling the growing problem of human~~  
9     ~~trafficking and to assist victims of trafficking to access local,~~  
10    ~~state, and federal services.~~

11    ~~SECTION 1. Section 13823.93 of the Penal Code is amended~~  
12    ~~to read:~~

13    13823.93. (a) For purposes of this section, the following  
14    definitions apply:

15    (1) "Medical personnel" includes physicians, nurse  
16    practitioners, physician assistants, nurses, and other health care  
17    providers, as appropriate.

18    (2) To "perform a medical evidentiary examination" means to  
19    evaluate, collect, preserve, and document evidence, interpret  
20    findings, and document examination results.

21    (b) To ensure the delivery of standardized curriculum,  
22    essential for consistent examination procedures throughout the  
23    state, one hospital-based training center shall be established  
24    through a competitive bidding process, to train medical personnel  
25    on how to perform medical evidentiary examinations for victims  
26    of child abuse or neglect, sexual assault, domestic violence, elder  
27    abuse, *human trafficking*, and abuse or assault perpetrated against  
28    persons with disabilities. The center also shall provide training  
29    for investigative and court personnel involved in dependency and

1 criminal proceedings, on how to interpret the findings of medical  
2 evidentiary examinations.

3 The training provided by the training center shall be made  
4 available to medical personnel, law enforcement, and the courts  
5 throughout the state.

6 (c) The training center shall meet all of the following criteria:

7 (1) Recognized expertise and experience in providing medical  
8 evidentiary examinations for victims of child abuse or neglect,  
9 sexual assault, domestic violence, elder abuse, and abuse or  
10 assault perpetrated against persons with disabilities.

11 (2) Recognized expertise and experience implementing the  
12 protocol established pursuant to Section 13823.5.

13 (3) History of providing training, including, but not limited to,  
14 the clinical supervision of trainees and the evaluation of clinical  
15 competency.

16 (4) Recognized expertise and experience in the use of  
17 advanced medical technology and training in the evaluation of  
18 victims of child abuse or neglect, sexual assault, domestic  
19 violence, elder abuse, *human trafficking*, and abuse or assault  
20 perpetrated against persons with disabilities.

21 (5) Significant history in working with professionals in the  
22 field of criminalistics.

23 (6) Established relationships with local crime laboratories,  
24 clinical laboratories, law enforcement agencies, district  
25 attorneys' offices, child protective services, victim advocacy  
26 programs, and federal investigative agencies.

27 (7) The capacity for developing a telecommunication network  
28 between primary, secondary, and tertiary medical providers.

29 (8) History of leadership in working collaboratively with  
30 medical forensic experts, criminal justice experts, investigative  
31 social worker experts, state criminal justice, social services,  
32 health and mental health agencies, and statewide professional  
33 associations representing the various disciplines, especially those  
34 specified in paragraph (6) of subdivision (d).

35 (9) History of leadership in working collaboratively with state  
36 and local victim advocacy organizations, especially those  
37 addressing sexual assault and domestic violence.

38 (10) History and experience in the development and delivery  
39 of standardized curriculum for forensic medical experts, criminal  
40 justice professionals, and investigative social workers.

1 (11) History of research, particularly involving databases, in  
2 the area of child physical and sexual abuse, sexual assault, elder  
3 abuse, or domestic violence.

4 (d) The training center shall do all of the following:

5 (1) Develop and implement a standardized training program  
6 for medical personnel that has been reviewed and approved by a  
7 multidisciplinary peer review committee.

8 (2) Develop a telecommunication system network between the  
9 training center and other areas of the state, including rural and  
10 midsized counties. This service shall provide case consultation to  
11 medical personnel, law enforcement, and the courts and provide  
12 continuing medical education.

13 (3) Provide ongoing basic, advanced, and specialized training  
14 programs.

15 (4) Develop guidelines for the reporting and management of  
16 child physical abuse and neglect, domestic violence, ~~and~~ elder  
17 abuse, *and human trafficking*.

18 (5) Develop guidelines for evaluating the results of training for  
19 the medical personnel performing examinations.

20 (6) Provide standardized training for law enforcement officers,  
21 district attorneys, public defenders, investigative social workers,  
22 and judges on medical evidentiary examination procedures and  
23 the interpretation of findings. This training shall be developed  
24 and implemented in collaboration with the Peace Officer  
25 Standards and Training Program, the California District  
26 Attorney's Association, the California Peace Officers  
27 Association, the California Police Chiefs Association, the  
28 California State Sheriffs Association, the California Association  
29 of Crime Laboratory Directors, the California Sexual Assault  
30 Investigators Association, the California Alliance Against  
31 Domestic Violence, the Statewide California Coalition for  
32 Battered Women, the Family Violence Prevention Fund, child  
33 victim advocacy organizations, the California Welfare Directors  
34 Association, the California Coalition Against Sexual Assault,  
35 *organizations that work with victims of human trafficking*, the  
36 Department of Justice, the agency or agencies designated by the  
37 Director of Finance pursuant to Section 13820, the Child Welfare  
38 Training Program, and the University of California extension  
39 programs.

(7) Promote an interdisciplinary approach in the assessment and management of child abuse and neglect, sexual assault, elder abuse, domestic violence, *human trafficking*, and abuse or assault against persons with disabilities.

(8) Provide training in the dynamics of victimization, including, but not limited to, rape trauma syndrome, battered woman syndrome, the effects of child abuse and neglect, ~~and~~ the various aspects of elder abuse, *and human trafficking*. This training shall be provided by individuals who are recognized as experts within their respective disciplines.

(9) *Develop a standardized curriculum on human trafficking by July 1, 2007.*

(10) *Subject to the availability of adequate funding, the training center shall implement training on human trafficking by July 1, 2008.*

(e) Nothing in this section shall be construed to change the scope of practice for any health care provider, as defined in other provisions of law.

SEC. 2. *Title 6.7 (commencing with Section 13990) is added to Part 4 of the Penal Code, to read:*

TITLE 6.7. CALIFORNIA ALLIANCE TO COMBAT  
TRAFFICKING AND SLAVERY (CALIFORNIA ACTS) TASK  
FORCE

13990. (a) *There is hereby established the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force to do the following:*

(1) *Collect and organize data on the nature and extent of trafficking in persons in California.*

(2) *Examine collaborative models for protecting victims of trafficking.*

(3) *Measure and evaluate the progress of the state in preventing trafficking, protecting and providing assistance to victims of trafficking, and prosecuting persons engaged in trafficking.*

(4) *Identify available federal, state, and local programs that provide services to victims of trafficking that include, but are not limited to, health care, human services, housing, education, legal assistance, job training or preparation, interpreting services,*

1 *English as a second language classes, voluntary repatriation and*  
2 *victim's compensation.*

3 *(5) Evaluate approaches to increase public awareness of*  
4 *trafficking.*

5 *(6) Analyze existing state criminal statutes for their adequacy*  
6 *in addressing trafficking and, if the analysis determines that*  
7 *those statutes are inadequate, recommend revisions to those*  
8 *statutes or the enactment of new statutes that specifically define*  
9 *and address trafficking.*

10 *(7) Consult with governmental and nongovernmental*  
11 *organizations in developing recommendations to strengthen state*  
12 *and local efforts to prevent trafficking, protect and assist victims*  
13 *of trafficking, and prosecute traffickers.*

14 *(b) The task force shall be chaired by*  
15 *\_\_\_\_\_*, *which shall provide staff*  
16 *and support for the task force.*

17 *(c) The members of the task force shall serve at the pleasure of*  
18 *the respective appointing authority, without compensation,*  
19 *except for reimbursement of necessary expenses. The task force*  
20 *shall be comprised of the following representatives or their*  
21 *designees:*

22 *(1) The Attorney General.*

23 *(2) The Director of the Office of Emergency Services.*

24 *(3) The Secretary of the Labor and Workforce Development*  
25 *Agency.*

26 *(4) The Director of the State Department of Social Services.*

27 *(5) The Director of the State Department of Health Services.*

28 *(6) One member of the Senate, appointed by the Senate Rules*  
29 *Committee.*

30 *(7) One member of the Assembly, appointed by the Speaker of*  
31 *the Assembly.*

32 *(8) Chairperson of the state Commission on the Status of*  
33 *Women.*

34 *(9) One representative from the California District Attorneys*  
35 *Association.*

36 *(10) One representative from the California Public Defenders*  
37 *Association.*

38 *(11) Two representatives of local law enforcement, one*  
39 *selected by the California State Sheriffs' Association and one*  
40 *selected by the California Police Chiefs' Association.*

1     (12) *One representative from the County Welfare Directors’*  
2     *Association.*

3     (13) *One representative from the California Coalition Against*  
4     *Sexual Assault.*

5     (14) *One representative from the state domestic violence*  
6     *coalition.*

7     (15) *The Governor shall appoint one university researcher*  
8     *and one mental health professional, each knowledgeable about*  
9     *the mental health needs of refugees.*

10    (16) *The Speaker of the Assembly shall appoint one*  
11    *representative from an organization that provides services to*  
12    *farmworkers, and one representative from an organization that*  
13    *advocates on social justice and human rights issues.*

14    (17) *The Senate Rules Committee shall appoint one*  
15    *representative from an organization that provides legal services*  
16    *to low-income individuals, and one representative from an*  
17    *organization that serves victims of trafficking.*

18    (18) *The Chair of the task force shall appoint one*  
19    *representative from an organization that provides services to*  
20    *immigrants and refugees, and one representative from an*  
21    *organization that provides services to children.*

22    (d) *Whenever possible, members of the task force shall have*  
23    *experience providing services to trafficked persons or have*  
24    *knowledge of human trafficking issues.*

25    (e) *The task force shall meet at least once every two months.*  
26    *Subcommittees may be formed and meet as necessary. All*  
27    *meetings shall be open to the public.*

28    (f) *On or before January 1, 2007, the task force shall report its*  
29    *findings and recommendations to the Governor, the Attorney*  
30    *General, and the Legislature. At the request of any member, the*  
31    *report may include minority findings and recommendations.*

32    (g) *For the purposes of this section, “trafficking” means all*  
33    *acts involved in the recruitment, abduction, transport, harboring,*  
34    *transfer, sale or receipt of persons, within national or across*  
35    *international borders, through force, coercion, fraud or*  
36    *deception, to place persons in situations of slavery or*  
37    *slavery-like conditions, forced labor or services, such as forced*  
38    *prostitution or sexual services, domestic servitude, bonded*  
39    *sweatshop labor, or other debt bondage.*

1     (h) *This section shall become inoperative on June 1, 2007, and*  
2     *is repealed as of January 1, 2008, unless a later enacted statute,*  
3     *that becomes operative before January 1, 2008, deletes or*  
4     *extends that date.*

5     SEC. 3. *Section 13519.14 is added to the Penal Code, to*  
6     *read:*

7     13519.14. (a) *The commission shall implement by January 1,*  
8     *2007, a course or courses of instruction for the training of law*  
9     *enforcement officers in California in the handling of human*  
10    *trafficking complaints and also shall develop guidelines for law*  
11    *enforcement response to human trafficking. The course or*  
12    *courses of instruction and the guidelines shall stress the*  
13    *dynamics and manifestations of human trafficking, identifying*  
14    *and communicating with victims, providing documentation that*  
15    *satisfy the law enforcement agency endorsement (LEA) required*  
16    *by federal law, collaboration with federal law enforcement*  
17    *officials, therapeutically appropriate investigative techniques,*  
18    *the availability of civil and immigration remedies and community*  
19    *resources, and protection of the victim. Where appropriate, the*  
20    *training presenters shall include human trafficking experts with*  
21    *experience in the delivery of direct services to victims of human*  
22    *trafficking. Completion of the course may be satisfied by*  
23    *telecommunication, video training tape, or other instruction.*

24    (b) *As used in this section, "law enforcement officer" means*  
25    *any officer or employee of a local police department or sheriff's*  
26    *office, and any peace officer of the California Highway Patrol,*  
27    *as defined by subdivision (a) of Section 830.2.*

28    (c) *The course of instruction, the learning and performance*  
29    *objectives, the standards for the training, and the guidelines shall*  
30    *be developed by the commission in consultation with appropriate*  
31    *groups and individuals having an interest and expertise in the*  
32    *field of human trafficking.*

33    (d) *The commission, in consultation with these groups and*  
34    *individuals, shall review existing training programs to determine*  
35    *in what ways human trafficking training may be included as a*  
36    *part of ongoing programs.*

37    (e) *Participation in the course or courses specified in this*  
38    *section by peace officers or the agencies employing them is*  
39    *voluntary.*



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